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PATENT

Attorney Docket No. 045636-5081-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JEAN FIORAMONTI *et al.*

Application No.: 10/509,255

Confirmation No.: 1258

Filed: May 23, 2005

Group Art Unit: 1645

For: USE OF LACTOBACILLUS FARCMINIS
FOR THE PREVENTION OR TREATMENT OF
DIGESTIVE PATHOLOGIES (as amended)

Examiner: L. Tongue

TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Office Action dated November 7, 2005.
2. Additional Papers Submitted:
(i) Certified Translation of French Application No. 02/03891 filed March 28, 2002
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a one-month extension of time extending the period for response from February 7, 2006 to March 7, 2006, the fee for which is **\$120.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Payment: The Commissioner is hereby authorized to charge **\$120.00** to Deposit Account No. 50-0310 for payment of the one-month extension of time fee.
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **March 7, 2006**
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Respectfully submitted
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AMENDMENT UNDER 37 C.F.R. § 1.111

In response to the non-final Office Action mailed November 7, 2005 in the above identified patent application, please enter the following amendments and consider the following remarks intended to place the application in condition for allowance. Reconsideration of this application, as amended, is respectfully requested. Applicants also submit herewith a Petition for Extension of Time with provision for the required fee requesting that the due date for response to the outstanding office action be extended one month from February 7, 2006 to March 7, 2006.

Amendments to the Specification begin on page 2 of this response.

Amendments to the Claims begin on page 3 of this response.

Remarks start at page 5 of this response.